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| 09/728,434      | 12/01/2000  | Christopher Ryall Wallace | 8349.0001-00        | 6086             |

7590 04/26/2004

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| EXAMINER |
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CHOUDHURY, AZIZUL Q

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| ART UNIT | PAPER NUMBER |
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2143

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DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/728,434

Applicant(s)

WALLACE, CHRISTOPHER  
RYALL

Examiner

Azizul Choudhury

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/1/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

***Detailed Action***

***Specification***

The disclosure is objected to because of the following informalities:

Trademarked terms such as "Microsoft" and "Apple" need to have the TM emblem attached to them (i.e. "Microsoft<sup>TM</sup>" and "Apple<sup>TM</sup>"). These are just some of the trademark notation omissions; corrections are requested for all of the applicable terms.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Monteiro et al (US Pat No: US005778187A), hereafter referred to as Monteiro.

1. With regards to claim 1, Monteiro teaches a method for delivering data over coupled computer networks, comprising: providing a subscription media server including a data compression software algorithm, wherein the media server is connected to at least two computer networks and the data compression software algorithm is variable according to a data transfer rate of a network connection;

transferring media data to the media server along a first computer network;  
compressing the media data according to a data transfer rate of a connection to a second network, wherein compressing the media data is characterized by preparing the media data to be displayed contemporaneously by a client computer during a transfer of the media data to the client computer; transferring compressed media data along the second network to a client computer connected to the second network; and monitoring the media server over the first computer network (Monteiro's design uses media servers where users are the ultimate recipients of the data (Figure 4, Monteiro). The data transferred is allowed to be of a variety of forms, including multimedia data (column 4, lines 8-18, Monteiro). In addition, the disclosure teaches that VBR (variable bit rate compression) is used (column 7, first paragraph, Monteiro). VBR is equivalent to the claimed compression based on transfer rate step. Furthermore, there are multiple channels (multiple networks) (column 2, lines 17-26, Monteiro) for users, including networks supporting the Internet (public network) and private networks (column 5, lines 31-47, Monteiro). Hence computers are allowed to be on different networks but still obtain the multimedia data).

2. With regards to claim 2, Monteiro teaches a method for delivering data over coupled computer networks, comprising: distributing at least one subscription media server over a computer network, wherein the data server is connectable to an open, public portion of the network and a private portion of the network; transferring data along the public portion of the network to the at least one media server; aggregating

data on the at least one data server; transferring data from the at least one media server to a client computer along the private portion of the network, wherein the transferred data is displayable on the client computer contemporaneous with the transferring along the private portion of the network; and monitoring the server over the public portion of the network (Monteiro's design uses media servers where users are the ultimate recipients of the data (Figure 4, Monteiro). More than one media servers are allowed in the design. In addition, Monteiro's design allows for a user interface so that the obtained media data may be easily accessed and displayed on the client computer (section III, column 16, Monteiro). The data transferred is allowed to be of a variety of forms, including multimedia data (column 4, lines 8-18, Monteiro). In addition, the disclosure teaches that VBR (variable bit rate compression) is used (column 7, first paragraph, Monteiro). VBR is equivalent to the claimed compression based on transfer rate step. Furthermore, there are multiple channels (multiple networks) (column 2, lines 17-26, Monteiro) for users, including networks supporting the Internet (public network) and private networks (column 5, lines 31-47, Monteiro). Hence computers are allowed to be on different networks but still obtain the multimedia data. Finally, Monteiro's design allows for statistics information (Table 1, column 10, Monteiro). This makes it evident that monitoring means exist in Monteiro's design).

3. With regards to claim 3, Monteiro teaches a method further comprising compressing the media data according to a data transfer rate of the private portion of the network (Monteiro's disclosure teaches that VBR (variable bit rate compression) is

used (column 7, first paragraph, Monteiro). VBR is equivalent to the claimed compression based on transfer rate step).

4. With regards to claim 4, Monteiro teaches a method for providing delivery of data over coupled computer networks, comprising: distributing at least one subscription media server over a computer network, wherein the data server is connectable to a private portion of the network and isolated from an open, public portion of the network; transferring data along the public portion of the network to the at least one media server; aggregating data on the at least one data server; transferring data from the at least one media server to a client computer along the private portion of the network; wherein the transferred data is displayable on the client computer contemporaneous with the transferring along the private portion of the network; and monitoring the server over the public portion of the network (As stated before, Monteiro's design uses media servers where users are the ultimate recipients of the data (Figure 4, Monteiro). More than one media servers are allowed in the design. In addition, Monteiro's design allows for a user interface so that the obtained media data may be easily accessed and displayed on the client computer (section III, column 16, Monteiro). The data transferred is allowed to be of a variety of forms, including multimedia data (column 4, lines 8-18, Monteiro). In addition, the disclosure teaches that VBR (variable bit rate compression) is used (column 7, first paragraph, Monteiro). VBR is equivalent to the claimed compression based on transfer rate step. Furthermore, there are multiple channels (multiple networks) (column 2, lines 17-26, Monteiro) for users, including networks

supporting the Internet (public network) and private networks (column 5, lines 31-47, Monteiro). Hence computers are allowed to be on different networks but still obtain the multimedia data. Finally, Monteiro's design allows for statistics information (Table 1, column 10, Monteiro). This makes it evident that monitoring means exist in Monteiro's design).

5. With regards to claim 5, Monteiro teaches a method further comprising compressing the media data according to a data transfer rate of the private portion of the network (As stated earlier, Monteiro's disclosure teaches that VBR (variable bit rate compression) is used (column 7, first paragraph, Monteiro). VBR is equivalent to the claimed compression based on transfer rate step).

6. With regards to claim 6, Monteiro teaches a method for providing streaming media data over a computer network, comprising: placing media data files on a staging server connected to a private computer network; associating media data files on the staging server with a permissible client distribution list; and publishing the media data files to a media server connected to a open, public computer network; receiving a request for a media data file over the public computer network; verifying the request according to the distribution list; and transferring media data from a media server to a verified client computer over the public computer network, wherein the transferred data is displayable on the client computer contemporaneous with the transferring of data along the public computer network (Monteiro's design uses media servers where users

are the ultimate recipients of the data (Figure 4, Monteiro). More than one media servers are allowed in the design. In addition, Monteiro's design allows for a user interface so that the obtained media data may be easily accessed and displayed on the client computer (section III, column 16, Monteiro). The data transferred is allowed to be of a variety of forms, including multimedia data (column 4, lines 8-18, Monteiro). In addition, the disclosure teaches that VBR (variable bit rate compression) is used (column 7, first paragraph, Monteiro). VBR is equivalent to the claimed compression based on transfer rate step. Furthermore, there are multiple channels (multiple networks) (column 2, lines 17-26, Monteiro) for users, including networks supporting the Internet (public network) and private networks (column 5, lines 31-47, Monteiro). Hence computers are allowed to be on different networks but still obtain the multimedia data. Finally, Monteiro's design allows for statistics information (Table 1, column 10, Monteiro). This makes it evident that monitoring means exist in Monteiro's design. Furthermore, Monteiro teaches that there exists means by which to administer users (column 3, lines 41-54, Monteiro). A permissible distribution list inherently must exist then as well).

7. With regards to claim 7, Monteiro teaches a method for providing streaming media data over a computer network, comprising: placing media data files on a staging server connected to a first private computer network; associating the media data files on the staging server with a permissible client distribution list; publishing the media data files to a media server connected to a open, public computer network; copying media



data files according to the client distribution list to a second server connected to the open, public computer network and a second private computer network; receiving a request for a media data file over the second private computer network; and transferring media data from the second server to a client computer over the second private computer network, wherein the transferred data is displayable on the client computer contemporaneous with the transferring of data along the second private computer network (Monteiro's design uses media servers where users are the ultimate recipients of the data (Figure 4, Monteiro). More than one media servers are allowed in the design. In addition, Monteiro's design allows for a user interface so that the obtained media data may be easily accessed and displayed on the client computer (section III, column 16, Monteiro). The data transferred is allowed to be of a variety of forms, including multimedia data (column 4, lines 8-18, Monteiro). In addition, the disclosure teaches that VBR (variable bit rate compression) is used (column 7, first paragraph, Monteiro). VBR is equivalent to the claimed compression based on transfer rate step. Furthermore, there are multiple channels (multiple networks) (column 2, lines 17-26, Monteiro) for users, including networks supporting the Internet (public network) and private networks (column 5, lines 31-47, Monteiro). Hence computers are allowed to be on different networks but still obtain the multimedia data. Monteiro's design also allows for statistics information (Table 1, column 10, Monteiro). This makes it evident that monitoring means exist in Monteiro's design. Furthermore, Monteiro teaches that there exists means by which to administer users (column 3, lines 41-54, Monteiro). A permissible distribution list inherently must exist then as well. Since data is transferred

to multiple users and devices, means by which to copy and send the data accordingly to the users based on the distribution list inherently must be present).

8. With regards to claim 8, Monteiro teaches a method further comprising; receiving third-party channel media data at the second server over the open, public computer network (Monteiro's design allows for other feeds (third party networks) or other servers to send data to the secondary servers. In fact, most servers allow more than one feed to provide it data (Figure 1, Monteiro)).

9. With regards to claim 9, Monteiro teaches a method a method for providing streaming media data over a computer network, comprising: placing media data files on a staging server connected to a first private computer network; associating the media data files on the staging server with a permissible client distribution list; publishing the media data files to a media server connected to a open, public computer network; copying media data files according to the client distribution list to a second server connected to the open, public computer network and a second private computer network; copying a portion of the media data files to at least one sub-net server connected to a local portion of the second private computer network; receiving a request for a media data file over the second private computer network; determining a sub-net server to respond to the request according to an origin of the request; and transferring media data from the sub-net server to a client computer along a local sub-net portion of the second private computer network, wherein the transferred data is

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displayable on the client computer contemporaneous with the transferring of data along the portion of the second private computer network (Monteiro's design uses media servers where users are the ultimate recipients of the data (Figure 4, Monteiro). More than one media servers are allowed in the design. In addition, Monteiro's design allows for a user interface so that the obtained media data may be easily accessed and displayed on the client computer (section III, column 16, Monteiro). The data transferred is allowed to be of a variety of forms, including multimedia data (column 4, lines 8-18, Monteiro). In addition, the disclosure teaches that VBR (variable bit rate compression) is used (column 7, first paragraph, Monteiro). VBR is equivalent to the claimed compression based on transfer rate step. Furthermore, there are multiple channels (multiple networks) (column 2, lines 17-26, Monteiro) for users, including networks supporting the Internet (public network) and private networks (column 5, lines 31-47, Monteiro). Hence computers are allowed to be on different networks but still obtain the multimedia data. Monteiro's design also allows for statistics information (Table 1, column 10, Monteiro). This makes it evident that monitoring means exist in Monteiro's design. Furthermore, Monteiro teaches that there exists means by which to administer users (column 3, lines 41-54, Monteiro). A permissible distribution list inherently must exist then as well. Since data is transferred to multiple users and devices, means by which to copy and send the data accordingly to the users based on the distribution list inherently must be present. Finally multiple servers are present within Monteiro's design (Figure 1, Monteiro). They are viewed as being equivalent to sub-net servers as claimed).

10. With regards to claim 10, Monteiro teaches a method further comprising receiving third-party channel media data at the second server over the open public computer network (Monteiro's design allows for other feeds (third party networks) or other servers to send data to the secondary servers. In fact, most servers allow more than one feed to provide it data (Figure 1, Monteiro)).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Pat No: US005530695A (Dighe et al)
- US Pat No: US005754783A (Mendelson et al)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is 703-305-7209. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC



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